

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
April 14, 2011  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	STEVEN BURG	PRESENT
3 <sup>RD</sup> DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	ABSENT/EXCUSED
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	EDWARD OLGA	PRESENT
Town Manager, John Giles – Present		
Town Solicitor, Edward McNally – Absent		

**PUBLIC COMMENT:**

Geraldine Anderson of 1202 Sycamore Avenue spoke regarding an issue that she and other residents are having with vandalism and vicious dogs on their street. She described an incident in which someone has scratched her car with what appears a key or other metal object.

Councilman Burg stated that the breed of the dog does not affect the behavior of the dog, it is based on the way the dogs are trained while they are young. He stated that he has two dogs that are Pitbulls and they are gentle because of the way they were trained.

Mayor Norkavage stated that she would like to see a police officer on the scene during pick up and drop off of school students in that area to see if their presence brings down the vandalism. She also stated that the Town's code includes a section regarding vicious dogs and that Ms. Anderson should set up a meeting with the Police Department to address her concerns with the area. She thanked Ms. Anderson for attending the meeting and letting council know that there was an issue in her area.

**APPROVAL OF MINUTES:**

Minutes from the March 10, 2011 Council Meeting

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the March 10, 2011 Council Meeting. The motion was seconded by Councilman Jaremchuk.

**VOTE:**                      6-0 with 1 Absent              All-in-Favor              Motion carried

Minutes from the March 16, 2011 Special Council Meeting

**ACTION:** A motion was made by Councilwoman Personti to table the minutes from the March 16, 2011 Special Council Meeting for the following corrections; votes were recorded inaccurately and the date at the top of the minutes was incorrect. The motion was seconded by Councilman Jaremchuk.

**VOTE:**                    6-0 with 1 Absent      All-in-Favor      Motion carried

**OLD BUSINESS:**

Presentation by Haggerty & Haggerty of the FY ending June 30, 2010 annual audit report.

Mr. Vince Barbone of Haggerty & Haggerty presented the FY ending June 30, 2010 annual audit report, his recommendations regarding the Town's assets and answered council's questions regarding the report.

**ACTION:** A motion was made by Councilman Jaremchuk to accept FY 2010 Audit Report with the sincere thanks to Vince Barbone and Haggerty & Haggerty for their work. The motion was seconded by Councilwoman Personti.

**VOTE:**                    6-0 with 1 Absent      All-in-Favor      Motion carried

Mayor and Council considered Ordinance 529 for Third and Final Reading.

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 529. The motion was seconded by Councilman Jaremchuk.

Councilwoman Personti explained the purpose of the ordinance in addressing nuisance properties which happen to be rental properties.

An unidentified resident asked Councilwoman Personti how the proposed ordinance would affect owner occupied homes.

Councilwoman Personti stated that there is already an ordinance in place that affects the owner occupied homes, this ordinance will help bridge the gap between the Police Department and Code Enforcement Departments in the aspect of regulating nuisance properties as well as bridging the gap between owner occupied houses and rental properties. It would hold the property owner responsible for its tenants and ensure that a resolve is reached.

An additional unidentified resident asked if the ordinance is effective immediately or does this ordinance would wipe the slate clean.

Councilwoman Personti stated that it is effective immediately however, it does not wipe the slate clean.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

## **NEW BUSINESS:**

Mayor and Council considered Ordinance 530 for First and Second Reading.

**ACTION:** A motion was made by Councilman Novak to accept Ordinance 530 as First and Second Reading. The motion was seconded by Councilman Jaremchuk.

Councilman Novak described the ordinance and what its effects would be.

Mayor Norkavage asked if the ceremonial bonfires would now require permits.

Councilman Novak stated that he felt that requiring permits for those type of fires would help regulate fire sizes and frequency.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

Mayor and Council considered Ordinance 531 for First and Second Reading.

**ACTION:** A motion was made by Councilman Novak to accept First and Second Reading of Ordinance 531. The motion was seconded by Councilman Jaremchuk.

Councilman Novak described this ordinance and how it would affect the Code Enforcement Department and the Planning Commission.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

Mayor and Council considered calling a Special Council Meeting for Monday, May 09, 2011 for the purpose of swearing in Mayor and Council.

**ACTION:** A motion was made by Councilman Jaremchuk to call a Special Council Meeting for Monday, May 09, 2011 for the purpose of swearing in Mayor and Council. The motion was seconded by Councilman Novak.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

Town Manager Giles stated that he had been advised by the Department of Public Safety that there were several promotions and commendations that officer's have received that have not been publicly recognized and that he would like to place this onto the agenda for the May 09, 2011 Special Council Meeting and that he would like to change the location to the Elsmere Fire Hall.

Mayor and Council considered Resolution 11-02

**ACTION:** A motion was made by Councilwoman Personti to approve Resolution 11-02. The motion was seconded by Councilman Novak.

Councilwoman Personti explained the resolution and how it would have no fiscal impact to the Town, that it would just allow the Bakery to apply for federal grants to mitigate the flood problems in that area.

**VOTE:**                      6-0 with 1 Absent      All-in-Favor      Motion carried

**DEPARTMENTAL REPORTS:**

Code Enforcement

Town Manager Giles stated that the written report was in the packet and that there were no major projects to report.

Finance

Town Manager Giles stated that he received a Memorandum from the Finance Director regarding bank accounts and interest that the Town is earning. He stated that he is asking for Council's approval to change the policy to be in line with other accounts, where only certain approvals are required to move money from one account to another to allow additional interest to be accrued and that this would not allow additional accounts to be opened.

**ACTION:** A motion was made by Councilman Jaremchuk to approve the proposed procedural change. The motion was seconded by Councilman Burg.

**VOTE:**                      6-0 with 1 Absent      All-in-Favor      Motion carried

Public Safety

Town Manager Giles stated that they have nothing much to report and that they plan to keep things running until April 25, 2011 when the new Chief begins. He stated that the Town has received a survey from the FOP regarding Lt. Workman's resignation and whether the Town feels he is eligible to be employed by another Department within the State.

**ACTION:** A motion was made by Councilman Jaremchuk to allow Sgt. Steven Smith to send the survey back indicating that Lt. Workman remains eligible for employment within the State of Delaware. The motion was seconded by Councilman Burg.

**VOTE:**                      6-0 with 1 Absent      All-in-Favor      Motion carried

Town Manager Giles reported on the Summer Bike Patrols and indicated that the training will be held in May and hiring would need to be approved and completed prior to the next Council Meeting and that grants are being applied for to fund this program. He also stated that the bicycles have been inspected and that they have at least an additional two years left before replacement letter. He requested that council approve \$17,000.00 including any grants that may be received for the Summer Bicycle Patrols.

**ACTION:** A motion was made by Councilman Burg to hire two Summer Officers, sending hire letters, outfit the officers and approve an amount not to exceed \$17,000.00 including any grant money received. The motion was seconded by Councilwoman Personti.

**VOTE:** 5-0 with 1 Abstained and 1 Absent All-in-Favor Motion carried

1<sup>st</sup> District – Abstained, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Absent, 5<sup>th</sup> District – Yes, 6<sup>th</sup> District – Yes, Mayor – Yes

Councilman Jaremchuk stated for the record that he abstained because one of the returning seasonal officers is his daughter.

Town Manager Giles reported that the Department will be participating in a Statewide Cell Phone and Seat Belt Check Day. He stated that there were no bills to be paid that were out of the ordinary, however there will be a request prior to the next council meeting for \$400 in office supplies.

There was a consensus among council for the approval of office supplies to be purchased.

Town Manager Giles stated that the St. Elizabeth after prom will be held at the Elsmere Fire Company and an Officer has been assigned to this event and he would like to have the \$10 per hour fee waived for the school.

**ACTION:** A motion was made by Councilman Novak to waive the \$10 per hour fee for an extra duty officer for St. Elizabeth High School. The motion was seconded by Councilman Jaremchuk.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

#### Public Works

Town Manager Giles stated that the new report is located in the packet.

#### Town Managers Report

Town Manager Giles stated that the Council would need to choose a third person to be bonded for check signatures by the next Council Meeting. He presented bridge options to the Mayor and Council for the bridge located along the proposed Walking Path on the south side of the highway and discussed the funding options regarding these decisions.

**ACTION:** A motion was made by Councilman Jaremchuk to select Bridge Option Number Three Steel & Concrete. The motion was seconded by Councilwoman Personti.

**VOTE:** 5-1 with 1 Absent All-in-Favor Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – No, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Absent,  
5<sup>th</sup> District – Yes, 6<sup>th</sup> District – Yes, Mayor – Yes

Miss Diana Poole gave an overview of the Town Wide Clean Up Day scheduled for April 16, 2011.

Town Manager Giles commended the employees for delivering fliers regarding the Town Wide Clean up Day in the Rain.

**PUBLIC COMMENT:**

Joseph Walden from Tamarack Avenue spoke regarding the public nuisance ordinance and the open burning ordinance which were passed. He complained regarding the burning that is going on down at Tamarack Avenue and stated that he hopes the new ordinances will address those concerns.

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Novak to Adjourn. The motion was seconded by Councilman Burg.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**DEBORAH A. NORKAVAGE**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**